

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ JUL 15 2019 ★

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

In re PAYMENT CARD INTERCHANGE  
FEE AND MERCHANT DISCOUNT  
ANTITRUST LITIGATION

No. 05-MD-01720 (MKB) (JO)

**STATEMENT OF OBJECTIONS OF CLASS MEMBER ATLANTIS MANAGEMENT  
GROUP II LLC**

Atlantis Management Group II LLC and its affiliated companies (hereinafter "Company") accepted Visa and MasterCard transaction cards between 2003 and the present date. Company is a member of the Rule 23(b)(3) settlement class in this case, and it has not engaged in any other settlement of its claims against Visa and/or MasterCard. Company hereby submits its objections to the proposed settlement preliminarily approved by the Court in January of this year.

Company is located at 555 South Columbus Avenue, Suite 201, Mount Vernon, NY 10550. Company is a petroleum marketer engaged in the wholesale and retail sale of branded motor fuels. Since 2003, it has accepted Visa and MasterCard transaction cards at retail service station and convenience store locations. Motor fuels at these locations have been sold under the BP, Exxon Mobil, Shell, Gulf, and Citgo brands since 2003, and the credit card transactions at each location were processed by the applicable branded supplier.

Company is concerned that the Court will concur in the arguments of Defendants that certain major oil company branded suppliers are entitled to file claims against the settlement fund for transactions at retail locations where Company accepted the applicable Visa or MasterCard transaction cards and paid the interchange fees. Company understands that the Court has indicated that class counsel cannot represent both the branded suppliers and branded marketers, like Company, because only one of the two groups is entitled to settlement funds attributable to Company's retail locations. None of the class representatives were branded marketers, and branded marketer interests were not represented when the settlement was negotiated. Nor are they adequately represented now by a conflicted class counsel who are incapable of asserting branded marketer interests when they conflict with the interests of major oil companies.

As of now, Company is totally in the dark as to whether, having accepted the cards and paid the interchange fees, it is part of the settlement class, whether it is entitled to a full or partial recovery, or whether any mechanism is in place to sort all of this out. Nothing in the Class Notice states whether Company or its branded supplier (whose fuel Company sells) have a right

to recover for transactions at these locations. In short, Company is concerned that it is being deprived of its legal right to fully participate in the settlement.

In addition to not knowing what recovery Company may be entitled to as part of the class settlement, we do not believe that proper efforts are being made to notify branded marketers, like Company, so that they can object to the settlement. Company is aware that a Class Notice has gone out but it was not mailed a copy by the Claims Administrator. The names and addresses of branded petroleum marketers, like Company, can be obtained by the Claims Administrator from the branded suppliers.

Branded marketers should be informed now whether a procedural mechanism will be put in place to determine whether, and to what extent, branded marketers will participate in the settlement, what evidence they need to present, and whether there will be procedural hurdles they need to overcome to claim their rights as class members. Unless and until these issues are addressed and properly resolved by the Court, Company respectfully objects to the class settlement.

Respectfully submitted,

Atlantis Management Group II LLC

By: 

Tumay Basaranlar, Manager

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0032

fedex.com 1.800.GoFedEx 1.800.463.3339

# FedEx® Package Express US Airbill

FedEx Tracking Number

8146 8351 9481

## 1 From

Date

7-11-11

Sender's Name

ATLANTIS MANAGEMENT GROUP

Phone

914 669-9500

Company

ATLANTIS MANAGEMENT GROUP

Address

555 S COLUMBUS AVE STE 201

Drop/Pick-Up/Room

City

ROUNT VERNON

State

NY

ZIP

10550-4749

## 2 Your Internal Billing Reference

## 3 To

Recipient's Name

JOHN J. COOPER

Phone

10550-4749

Company

JOHN J. COOPER

Address

555 S COLUMBUS AVE

We expect delivery to P.O. boxes or P.O. ZIP codes.

Drop/Pick-Up/Room

Address

Use this line for the HOLD location address or for continuation of your shipping address.

City

ROUNT VERNON

State

NY

ZIP

10550-4749

☐ Hold Weekend  
Delivery to this address is not made on Saturdays or Sundays.  
☐ RETURNED NOT available for  
FedEx Priority Overnight

☐ Hold Saturday  
Delivery to this address is not made on Saturdays.  
☐ RETURNED NOT available for  
FedEx Priority Overnight and  
FedEx Overnight International

## 4 Express Package Service

\* To most locations.

Form ID No. 0215

Packages up to 150 lbs.  
For packages over 150 lbs., use the  
FedEx Express Freight Airbill.

### Next Business Day

☐ FedEx First Overnight  
Delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Priority Overnight  
Delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

☐ FedEx Standard Overnight  
Delivery to select locations. Friday shipments will be delivered on Monday unless Saturday Delivery is selected.

### 2 or 3 Business Days

☐ FedEx 2Day AM  
Second business day AM delivery to select locations. Saturday Delivery NOT available.

☐ FedEx 2Day  
Second business day delivery to select locations. Saturday Delivery NOT available.

☐ FedEx Express Saver  
Third business day delivery to select locations. Saturday Delivery NOT available.

## 5 Packaging

\* Declared value limit \$500.

☐ FedEx Envelope\*

☐ FedEx Pak\*

☐ FedEx Box

☐ FedEx Tube

☐ Other

## 6 Special Handling and Delivery Signature Options

Free may apply. See the FedEx Service Guide.

☐ Saturday Delivery  
NOT available for FedEx Standard Overnight, FedEx 2Day AM, or FedEx Express Saver.

☐ No Signature Required  
Package may be left without a signature if no one is available to deliver.

☐ Direct Signature  
Signature of recipient or addressee required at delivery.

☐ Indirect Signature  
If no one is available to deliver, a signature of someone at the address is required. (Not available for residential deliveries only.)

Does this shipment contain dangerous goods?

☐ No ☐ Yes  
One box must be checked.

☐ Yes  
Yes, as specified on Shipper's Declaration.

☐ Yes  
Yes, as specified on Shipper's Declaration.

## 7 Payment Bill to:

Sender ☐ Recipient ☐ Third Party ☐ Credit Card ☐ Cash/Credit

Total Packages Total Weight

lbs.

Credit Card No.

Obtain recp. Acct. No. ☐ Cash/Credit



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\*Our liability is limited to US\$100 unless you declare a higher value. See the current FedEx Service Guide for details.

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